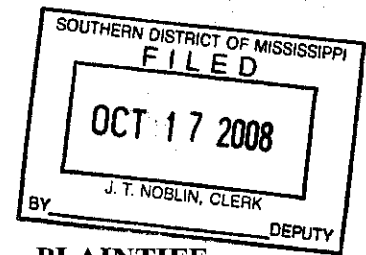


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



ONELIO DIAZ

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08cv229-DCB-MTP

CONSTANCE REESE, ET AL.

DEFENDANTS

ORDER OF DISMISSAL

This cause having come before the court on the Plaintiff's Motion Requesting Status on Notice of Voluntary Dismissal [20], the court finds that the motion should be GRANTED and that this matter should be dismissed without prejudice.

Plaintiff Onelio Diaz filed his civil rights complaint on June 24, 2008. On October 15, 2008, Plaintiff filed his Motion Requesting Status on Notice of Voluntary Dismissal [20]. In his motion, Plaintiff states that he filed a Notice of Voluntarily Dismissal on September 24, 2008. It appears that the Notice, attached as an exhibit to his motion [20], was never filed. In the attached signed and dated Notice of Dismissal, Plaintiff moves to dismiss this cause without prejudice, and attests that his motion is voluntarily made and is not based upon pressure or threats from any source whatsoever. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED:

That Plaintiff's request to voluntarily dismiss this action is granted, and that this action is DISMISSED without prejudice. Any pending motions are denied as moot.

THIS, the 16 day of October, 2008.

United States Magistrate Judge